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Reporter

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Dear Scott:

Thanks for your letter and your questions. There has been some delay in getting this response to you, first because it took a long time to work its way through mail monitoring here at ADX (I've learned that I can send outgoing mail to the media through special mail procedures, but that BOP policy does not allow incoming media mail through those procedures, so your letter was opened, read, etc. - therefore, don't bother with writing special mail on the envelope) and also because the first version of this letter grew to an absurd length, so I had to start over and try to write a little more concisely. One reason for my difficulty is that your questions have very complex answers and one could write books, or at least long articles, about some of them.

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So what I'll do is try to keep my answers reigned in and if you want more elaboration then you can mention that in a later letter. So:

① As for my life story, the best thing for me is my letter to my sentencing judge, Judge Brinkema, in about April 2004, which is somewhere on the Internet in PDF format, and is about 25 pages long. ^{Go to it!} I also discuss the background of my criminal case, by way of explanation to the judge. If you have any further questions about any of that, please write back.

Hewing to the order of questions in your letter, I'm not sure whether my views have changed, so much as deepened and broadened, with ~~time~~ time, reflection, and more learning — ~~though~~ although I suppose they have changed, in certain ways. I think it's important to point out that I went to fight in Bosnia in 1994-95 and this was not motivated by religious fanaticism — though I certainly wanted to defend and "save" Muslims — but rather primarily by the twin needs to stop injustice and do something honorable and meaningful with my life, in an age where honor and meaning are somewhat forgotten notions. I don't downplay the religious aspects of the foreign fighters' enterprise there, of which I was

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a part, but there are very significant differences between, for want of a better word, the jihad in Bosnia (as well as in Afghanistan against the Soviets, in Tajikistan, the Chechen wars, etc) and what permutated out of a particular group or sect and eventually displaced the prevailing attitudes and culture of the Muslims in those conflicts. This is a very crucial process to understand, and, though some "experts" want to ignore this and lump it all together — either through a lack of insight and education or out of succumbing to passions & partisanship — to fail to understand this is to fail to understand a very dangerous phenomenon, dangerous for Muslims & non-Muslims.

Essentially, although there certainly were fanatics present in those earlier conflicts, and a strain of fanaticism, this was not the dominant aspect of this culture of jihad. (And I would note here that fanaticism is a relative concept, so to a communist any believer would appear to be a fanatic, whereas, to certain people, the very conservative Saudi Ulema are all disbelievers.) It is my experience, and my conclusion through discussions with those ^{who} were there and from reading, that both leaders and participants of the earlier conflicts tended to be much closer to the mainstream of the Muslim thought ^{and tradition} and society, if not squarely within it, than what has since displaced those people.

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I think there are many reasons for that, one crucial one being that the earlier jihads were very much a project of - or at least highly influenced by - the governments of Muslim countries and their mainstream Ulema. So the Afghan war ^{was} very consciously a collaboration between the indigenous Afghans (some of which were tribalism, others non-traditional urban "Islamist" parties), Saudi & Pak intelligence, and the Ulema of those countries, along with volunteer foreign fighters. The war in Bosnia, with respect to the foreign fighters, that it, was very much a project of semi-official Saudi agencies, & their intelligence agency, with ~~the~~ a green light by the US (for a time), and, crucially, Saudi Ulema. All this represents a recognition by governments that religiously-motivated volunteers could further government interests, ~~not~~ goals, and, yes, principles. Likewise, there was a recognition ~~to~~ among the foreign fighters that these governments shared what the fighters saw as ~~the~~ Islam's interests and principles. I can say from experience that although there was some degree of wariness of those governments (i.e., the Muslim governments) there was ~~no~~ ^{indeed} none of the sort of raging revolutionary attitudes one finds among today's self-described mujahideen & their supporters, which is one of the key aspects of what I'm calling fanaticism (as for attitudes to the US, I'll get to that, but I think a Muslim's attitude towards Muslim authority is one key indicator of fanaticism).

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and that his attitude towards the U.S., while an indicator of something, is not necessarily relevant to a discussion of Fundacism per se), ^{desired}

So with this guidance and supervision, as it were, of the ~~campaigns~~ campaigns in these ~~lands~~ lands, the character of those campaigns tended to be religiously mainstream, and politically non-threatening (and I realize I'm generalizing). I don't believe these efforts by Saudi Arabia, Pakistan, and the U.S. were misguided, and I don't at all believe it was inevitable that something like Al Qaeda & its attitudes would emerge. Although there are certainly conditions & circumstances without which Al Qaeda would be impossible, even inconceivable, its emergence & influence is the handiwork of certain hardworking and, in a way, intelligent, though very sick and deluded, men.

I think that although you had the presence of certain modern "Islamist" groups and influences in, say, Afghanistan in the 70's-80's or Bosnia in the 90's, the character of those jihads was more fundamentally traditional in character, both because of the soil (i.e. Afghanistan & Bosnia's indigenous people), and also because Saudi Arabia's religious influence - while much maligned - is likewise fundamentally traditional (though certainly of a different school of thought from indigenous Bosnia & Afghanistan). Here is the crucial

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things: ↑ Islamic tradition is highly oriented towards order in society, respect for religious and political authority, and a focus on worship, and a de-emphasis on political involvement & concerns. This is true of the more folk-religious societies of the Islamic hinterland (ie. Bosnia, Agh.) and it is ~~also~~ also very true of Saudi Arabia's Islamic tradition, influenced as it is by Muhammad ibn Abdul Wahhab. Whatever the intra-Muslim theological & cultural conflicts that arise when Saudi influence meets the folk-religious traditions of the hinterland, and they are considerable, it is not here that fanaticism arises, it is not here that al Qaeda-ism has its origins (although its theorists/apologists find justification for certain views in some texts approved of in Saudi religious tradition, this is not the same thing at all as originating with these texts). So ~~those~~ those who point the finger at Saudi tradition badly miss the mark. (Indeed, Saudi religious judges ~~are~~ much more authentically rely on that tradition in sentencing al Qaeda's revolutionaries to death.)

In truth, although there are admittedly many ~~many~~ ~~factors~~ factors influencing al Qaeda's emergence, I think that it is essentially a product of modernity, both of the

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societal conditions resulting from the technology and economy of the modern era, and, crucially, the modern political project. This has been pointed out by ~~several~~ ^{several} thinkers, notably S.E. Eisenstadt and John Gray, and despite certain errors in the details they are absolutely correct. The roots of the Al Qaeda phenomenon are in the repackaging of Islamic tradition into a modern political ideology that bears a much closer intellectual relationship to the French Revolution than to ~~the~~ Islamic history and scholarship. This is in fact true of essentially all ~~modern~~ contemporary Islamic movements (and, actually, to say this is true of all such movements is a tautology, "movement" being a distinctly modern concept); Al Qaeda is simply the most ~~modern~~ nihilistic manifestation of this phenomenon. And I mean nihilist not in the sense that they believe nothing, obviously, but in the Turgenevian sense, that they believe in ^{worldly} salvation through chaos. Thus, ~~the~~ the critique of Islam represented by Ayman Hirsi Ali, for example, is precisely wrong, and indeed the "intellectual" conflict between her camp and Al Qaedism or any other facet of modern political Islam is simply an intra-family squabble, akin to Trotskyism* v. Stalinism. That said, it is absolutely not fair to ~~say~~ ~~say~~ say that all Muslim political movements are the equivalent of Al Qaeda; some of them, if they were to attain power, could very likely be relied upon

* I use the example of Trotskyism deliberately, in allusion to the Trotskyite origins of her neo-conservative fellow travellers.

- sorry -
I missed
this page!

to maintain the status quo, something like a Muslim version
of Social Democrats, and the recent book by Noam
Feldman I think accurately makes this case. However,
and this is what personally bugs me (you asked for
my views), none of these various manifestations of
modern "political Islam" — not the nihilistic force of
Al Qaeda or the "Muslim Democrat" version — bear
much relationship at all to traditional Islam.

You may have surmised that what I am
truly lamenting is the collapse of tradition, the
fall of the ancien regime, and the rise of modernity,
and this with regard to both Europe and the
Muslims (I am, after all, a European). I think this
has resulted in a loss of meaning among the people
proportionate to their material progress. The shift
from tradition to modernity can essentially be described
as a shift in orientation from the transcendental
to the immanent, ~~to~~ i.e., to seeking fulfillment and paradise
in this world, and ~~there~~ ^{hence} political ideologies that seek
~~to~~ to create paradise on earth, like communism
and indeed nearly all modern political ideologies. Indeed,
Al Qaeda's talk of ~~a~~ delights in paradise for its "martyrs"
is misleading, because the ideology is conspicuously pre-
occupied with creating a worldly political utopia, and
this is one key way that it differs from traditional
reform "revolutions," like, for example, that of Muhammad Ali
Abd al Wahhab. That is, Al Qaeda-ism ~~is~~ has

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Conspicuously little in the way of spiritual content; it has very little to say about religious reform (except to the extent that they complain about "western" cultural influence). It is in this sense, in fact, that the ^{Afghan} Taliban are quite distinct from Al Qaeda and quite unique among contemporary Muslims, because the Taliban are much more akin to a traditional reformist movement, though one rooted more in Pashtun village & tribal culture than in Islamic scholarship.

In my ~~first~~ first attempt at this letter, I went much more into Al Qaeda's roots in modern political ideology as it was imported to Egypt, but I won't do that here; if you would like me to go more into that I can, or read some of the works of the authors I mentioned, and for a general critique of modernity see Eric Voegelin's books, e.g., "Enlightenment and Revolution", an author & philosopher in whose works I find much truth and insight. I suppose I would wind up this discussion of Al Qaeda by pointing out that the first attempt at using an airplane as a weapon was made by an Arab communist group, and this is very far from a coincidence; that Al Qaeda, in both its ideology and its tactics (which, in fact, are a component of its ideology) are repugnant to Islamic tradition; and that Al Qaeda-ism is a sort of rabies of the soul that has infected some of the Muslims.

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(I trust you will not take this out of context - as in: "when asked what he thought about killing in the name of Islam, Ayer said...")

You also asked me what I think of jihad. Broadly speaking, I would say that traditionally the Muslims both went to war and made peace, as human beings have always done, and that those who malign the concept of jihad (that is, the traditional concept) must first, if they are not to be intellectually inconsistent (or hypocritical), malign war in the abstract. Jihad in the military sense was the advancement of Muslim interests through war, by the sultan, and again, it is unclear why the Muslims should be singled out, ~~among~~ among all the empires, kingdoms, tribes, & nations, for going to war to advance their interests; such criticism ~~is not that~~ is probably more honestly characterized as a complaint that Muslim ^{some} Empires interests were often advanced at the expense of European interests, rather than as a criticism of war in general.

As to "jihad" in our times, you'll recall that I pointed out that key components of Islamic tradition are the emphasis on order and respect for authority. War, that is, jihad, was traditionally waged both in accordance with, and in furtherance of, these goals. I think that the conflicts in Bosnia, and in Afghanistan against the Soviets, for example, where the religiously motivated volunteers acted under ~~do~~ some effective degree of religious and political authority, are ~~powerful~~ examples of jihad in the traditional sense, even in ~~this~~ the current (and apparently temporary) Westphalian age.

I think such genuine jihads, however, have been made impossible with the arc of events from the first World Trade Center bombing through 9/11, to Madrid, to the Times Square incident, etc. Whereas responsible and relatively legitimate authorities for the achievement of certain limited goals and in furtherance of legitimate interests, what Al Qaeda has done is to displace both the traditional concept of jihad, as well as traditional mujahideen themselves, and replaced the concept of jihad with that of terrorism, and replaced the mujahideen with terrorists. I think one thing that allowed this to happen conceptually is that, since those previous conflicts were limited in scope and goal, they necessarily ended, and while aside from a couple hotspots, such jihads and mujahideen faded from view, ~~Al Qaeda was simultaneously emerging and able to capitalize on that cache and assume their mantle, however fraudulently.~~ And so their concept of "jihad" has begun in the minds of many to supersede the traditional concept, through their ability to dominate popular imagination and discourse through spectacular, horrifying attacks and masterful exploitation of the media and technology. Moreover, this "jihad" is in ~~itself~~ both its means and ends an assault

on order and respect for authority, even when they attack non-Muslims. Of course, I can't reflect to mention that their tactics are precisely the antithesis of nobility, manliness, and chivalry, and that contrary to what the Times Square would-be bomber said at his sentencing, Osama bin Laden is precisely not Saladin, so much so that an exploration of why bin Laden is not Saladin would go straight to the heart of what is ailing the Muslims today. ~~Osama~~

You asked what I think of the US.; there is an extraordinarily complex question. One might well ask, with Huntington, what is the US.? I can say I was born in Missouri, I love that land and its people, I love the Mississippi, I love my family and my cousins, I love my Germanic ethnic heritage and people, I love the English language, I love the American people, my people; Lincoln's words move me to tears; I love the noble and heroic things we have done; I feel the sin of the evil things, as if I have a share in it. I think, or rather

feel, that the European people have created
a civilization that rivals and in many ways
outshines any other. I think it may be we've
irrevocably lost what made us great, which is of
course the way of things. There is not the
slightest contradiction or tension between being
a European and a Muslim. As for the U.S. govern-
ment, I don't particularly or necessarily think it is
sympathetic with America. Among participants in it have
been some of the finest thinkers and bravest men;
most, they haven't been. I think today the military
and the courts are the ~~best~~ bastions of what is
best about the U.S. government, i.e., a flawed but
real nobility, bravery, and justice. I also think
there are ~~are~~ some wise & learned people in the
State Department. Obviously the government is not a
monolith. Your question appears to imply ~~that~~
or contain, what do I think of U.S. policy? I
think it's true that certain foreign policy positions
and actions have not been in the U.S. interests and
have been needlessly antagonistic. It's also true that
nothing the U.S. did justified the 9/11 attacks, and
that, even setting aside the fact that they violated
Islamic law, and even had ~~that~~ the U.S. been attacked
by a legitimate Muslim authority in a sort of act of
war against a military target, such an act would

have been an astoundingly stupid strategic error, unjustified, and completely unnecessary. The most serious and legitimate complaint the Muslims have, and have ever had, against America is ~~the~~ the Palestinian situation, and that problem is much more fundamentally the Muslims' own fault — although it is certainly the case that the U.S. position has been unwise, unethical, and contrary to its interests and principles. If bin Laden had been a general in a real Islamic empire, he would certainly have been ~~rewarded~~ relieved of his command, if not his head. Conflict between the U.S. and Muslims is neither inevitable nor ~~beneficial~~ beneficial or in anyone's interest. Actually, I suppose it is in the interest of fanatics on both sides, but their interests run counter to everyone else's. * Although I'm very sad about the continuing war in Afghanistan and I think it could be resolved with a little wisdom & courage, it nevertheless remains a fact that Al Qaeda provoked this invasion and bears responsibility for it. The war in Iraq, by the way, is one of those actions I referred to as war in U.S. interests, and it was in fact the handiwork of some of those fanatics on the U.S. side who were able to wield influence for a time, and who may be able to do so again (actually, among them, Ayman Hirsi Ali's AEI buddies).

* "Les extrêmes se touchent" (the extremes meet)
— Blaise Pascal

② Whether Muslims & Muslims convicted of terrorism are treated differently. As to the first portion, i.e. "regular" Muslim inmates, I think they are generally treated fairly by the BOP. The agency has some rather absurd restrictions on prayer but those tend to disproportionately affect Muslims because Muslims pray more often, at least formally, than non-Muslim religious groups. I think the Muslims in some ways are looked on favorably because they tend not to be involved in activities that threaten prison security, like drugs, etc., as many other inmate groups are. There are some qualifications, which I refer to below.

As to whether Muslims convicted of "terrorism" crimes are treated differently, it is of course a fact that they are. As you may be aware, in 2006 the BOP reclassified dozens if not hundreds of inmates as "terrorists" and embarked on a project of removing all of them from the ordinary prisons they were in and sequestering them in special units. For more background on this contact Rachel Meeropol at the Center for Constitutional Rights in New York, and the ACLU's National Prison Project in DC; both currently have pending lawsuits concerning this. I also have a lawsuit on this issue pending in the E.D. of Virginia, Civil No. 1:10-cv-00146-LMB-IDD.

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The complaints filed in my case, the CCR case, & the ACLU case contain a great deal of information on the background of this. (I'm currently awaiting the judge's ruling on the BOP's motion to dismiss, which I expect soon.) I would suggest reading these complaints for background and I'll be willing to answer any more questions you might have - it's simply so broad ~~about~~ on issue it's hard for me to know where to start.

You ask if this is understandable, or fair? Well, obviously, no one could disagree that in the abstract, the government has a legitimate interest in maintaining the security of its institutions and the public. The problem is that the BOP has gone about this the wrong way, and in an entirely exaggerated fashion. First of all, the BOP should have looked at each individual case to determine how to handle it. Instead they ~~lumped~~ lumped a whole mass of inmates together and imposed permanent, extraordinarily harsh conditions of confinement on them. It was unnecessary to lump all of these people into the same category as, say, Mousewicz (I'm in the same prison as him). It was unnecessary to go to the extremes that they did in terms of the imposition of harsh conditions of confinement. And it was unnecessary to make these conditions permanent or indefinite. It was also unnecessary to do all this to people like me, who had been in

the general population for years without giving them the slightest reason to think such restrictions were necessary. Oddly, the justification or trigger for all this was supposedly the discovery that WTC I defendants here in ADX had sent letters to the Madrid bombers. ADX is the highest security prison in the United States. If there was a problem with security at ADX and if the perpetrators were inmates like me ~~and~~ in the general population at an ordinary prison ~~and~~ needed to suddenly have crushing restrictions permanently imposed upon them. In other words, no particular need has arisen to justify the exaggerated lengths to which the BOP has gone. I think this is made worse by the fact that, regardless of what the BOP might say, ~~that~~ their employees simply lack the education & training to determine who is a Moussawi and who is not - why else would, say, an Arab Christian duped by the FBI into thinking he was selling night vision goggles to Hezbollah, be in the same classification as the "20th Hijacker"? In fact, all this amounts to an extraordinary waste of BOP resources, with the ironic result that treating everyone in this "terrorist" security classification as if they posed ~~the~~ precisely identical security risks diverts resources from

those who actually are potential security risks.

Oddly, I should mention the BOP has lumped into the "terrorist" category several "ordinary" Muslim inmates (i.e. with drug crimes, etc) on the grounds that they are "extremist." In virtually all of the cases I'm aware of, this determination was completely, almost comically wrong.

In sum, I'm not saying that 9/11 conspirators should necessarily be housed in minimum security prisons; I'm saying that prisoners who could quite easily be housed in minimum security prisons should not be housed with 9/11 conspirators, permanently warehoused in some of the most restrictive prisons in the BOP. It's unnecessary, it's an exaggerated response to government concerns, it's a waste of BOP resources, and in some (or many) cases it violates due process and also 1st Amendment rights to communicate with one's family.

③ "De-radicalization". This is an excellent question. The BOP has not taken the slightest steps in this regard, and I think there are a few reasons for that. First, & most importantly, the U.S. penal ~~system~~ philosophy is aimed at punishment, not rehabilitation, despite the lipservice rehabilitation gets (and even the lipservice is major). There is extraordinarily little emphasis on improving inmates in the BOP; what there is is negligible; their heart just isn't in it. Second, & this is related,

Sorry - skipped another page!

with the passage of statutes with mandatory minimum sentences, many inmates, including inmates with terrorism-related cases, are serving multiple life sentences, or at least decades, so really, such efforts are pointless. And I'm talking about inmates who really shouldn't have life in prison, like Muhammad Hamoud, who allegedly smuggled cigarettes in North Carolina and sent a paltry amount of the proceeds to Hezbollah, sentenced to 150 years; or various targets of FBI stings, who were perhaps at best half-hearted participants in stings set up by informants, or someone who visited an L&T camp in Pakistan and received a decades-long sentence; or as with my codefendants Saifullah Chapman and Masoud Khan, about whom our judge complained bitterly that she had to sentence them to life in prison, whereas she thought they deserved no more than 15 years (she also complained about my sentence & gave me the statutory minimum, 20 years). So the situation is unlike ~~in~~ that of the Arab countries who have implemented such programs, where many prisoners may eventually be released and the focus is on deradicalization, in part it seems in order to provide an example for radicals on the outside. And I forgot to mention, Congress did away with parole for federal inmates, so there is even less reason for the inmate or the BOP to care about the inmate's mental state. Now, it is also true that the BOP makes some effort to ensure

Radical messages are not spread via incoming publications, or sermons at prayer, but this is not at all the same thing, & it's not directed specifically at "terrorism" inmates.

In my view, such a program would have its benefits, if done correctly, but as I mentioned, it would be of limited usefulness since "terrorist" inmates' sentence ^{tend to be} ~~are~~ so long. Also, it would have to be done well, that is, with the participation of knowledgeable and credible scholars.

There is another reason such a program would be of limited use. Although it might sound counter-intuitive, there isn't a whole lot of radicalism among inmates labeled as terrorists, as a whole. There is most definitely a class of such inmates, like Moussawi and so on, who are radical in the extreme. But there is another class, like those I discussed, who aren't particularly radical at all, even if they ^{may have} once had such tendencies, and many never did. Again, this comes down to the specific facts of their cases. For example, I was housed in a unit with 5 of the Lockdown 6 ~~for~~ for years, and they are all profoundly non-radical. They were convinced by a slick talking recruiter to visit an Al Qaeda camp, regretted immediately (one, telling me about the experience, ~~was~~ expressed positive revulsion), and made excuses to leave early and come back to NY, where they went about their lives, and that's it.

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They just made a bad, spur of the moment decision they immediately regretted and abandoned. Others I've met clearly just went through a phase. And so on. Before coming to ADX, I would say I met only two or three who I would truly feel nervous about the idea of them walking around in their present mental state. Now at ADX it's a different story, because many here are of a different caliber, but again, most of these people have life sentences with no chance of parole, so it's not. I haven't even heard rumors of ~~such~~ any plans for such a program, and for the reasons I've discussed, I'm not sure how useful it would be. The sole thing I can think of is to implement such a program for some of the more hardcore types here in ADX in order to help them move from this supermax prison (which some rights group say is a human rights violation in the harshness of its conditions) to the somewhat less restrictive units or prisons.

④ Risk after release. Well, as I mentioned, there aren't too many who fit such a description who will be released any time soon; that is, people who seriously intended to commit some kind of terrorist attack, although, granted, there are a few who may be out in 10 or 15 years or so (there are others who have

been released or will soon be, but who received relatively lower sentences, ~~and~~ through a combination of the judge not entirely buying into the government's characterization of the seriousness of the offense, and the ~~judge~~ defendant not having been convicted of statutes imposing mandatory minimums.) So as for this second group, the not particularly radical group, I think just the standard probation or supervised release period is sufficient. For example, one of the Lankaranga 6 who was released in 2007 or so, had as a condition of ~~probation~~ Probation that he not possess "extremist" literature, which, though of dubious constitutionality, is perhaps not unreasonable (though extremist literature was the farthest thing from his mind - he wanted to get back to his wife & kids). I think similar issues have arisen in the case of white supremacists convicted of hate crimes, upon their release.

As for the first group, well, BOP has little to do with inmates once they're released (that is, after the holding house period), so they would really be the responsibility of the U.S. Probation Office, or even of the Federal Courts. (That is, those who are citizens; ~~or~~ otherwise they'd be deported.) How to handle such people is really a tricky situation, I admit. You may have heard of a

proposal, advocated by Mukasey just prior to his appointment as AG (in a WSJ op-ed), to treat "terrorists" ^{like} ~~as~~ sex offenders and place them in civil confinement indefinitely after they serve their sentence. This is really a scary thing, and it doesn't strike me as quite American. And there are a whole mess of problems with this idea - who judges who is "radical," and by what standard? Medical doctors may be able to decide who is a dangerous sex predator, but ~~who~~ who will judge whose views are dangerous? Obviously, if someone pledges to carry out attacks as soon as he's released, that's one thing, but what of someone who's not quite at that level? Should non-religious political radicals (IRA, etc.) also have to go through this? And so on.

I really think the answer would be to have a sort of deradicalization program for those the BOP has a good reason to believe are a potential concern, and who have a prospect of release soon (i.e., within 2 or 3 years), and it would have to be done well, as I mentioned, with credible & knowledgeable scholars. But again, I don't think more than a handful will fit that description, but there are those who might. Putting all inmates ~~who~~ currently classified by BOP as terrorists through such a program would be a waste of resources, essentially wheel spinning. I don't think this

would eliminate risk, but it would help. Also, the U.S. probation office could develop relationships with mosques ~~to~~ so that the Muslim community in the locality, where the inmate was to be released could sort of guide him and monitor him, in a sense, and the local communities ~~definitely~~ definitely would have an interest in making sure he wasn't in danger of going off the rails.

Let me finally point out that many, perhaps most of those inmates the DOP has classified as "terrorists" were not actually convicted of a crime of terrorism, nor even received a terrorism enhancement under the sentencing guidelines. It may be that such charges were dropped (as in my case). So Dr, let me illustrate another scenario: an Iranian-American convicted of helping to facilitate a contract between an Iranian cell phone company and a Kuwaiti bank. Or a man convicted of violating the sanctions on Iraq by sending money to Iraqi orphans, but neglecting to get a permit. Or someone convicted of fraud for using money collected for Bosnian orphans to buy boots for the Bosnian army. And arguably moving closer: ~~a~~ a man convicted of perjury for telling ~~the~~^{his} grand jury he did not know a certain person, where that person was not a target of the investigation but it was investigating a terrorism case; or the aforementioned Arab Christian businessmen approached by FBI agents posing

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CS agents for Hezbollah - so that he never actually
had any contact with real Hezbollah people (the form
he was given explaining why BOP was confining him in the
special unit said it was due to his extensive contacts
with Hezbollah.)

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well, that about does it. I still wound up writing more than you or I intended. Write back with any follow up questions. Please let me know when you expect the story to run, when you find out anything. I hope you do get a chance to visit. I hope all this was helpful.

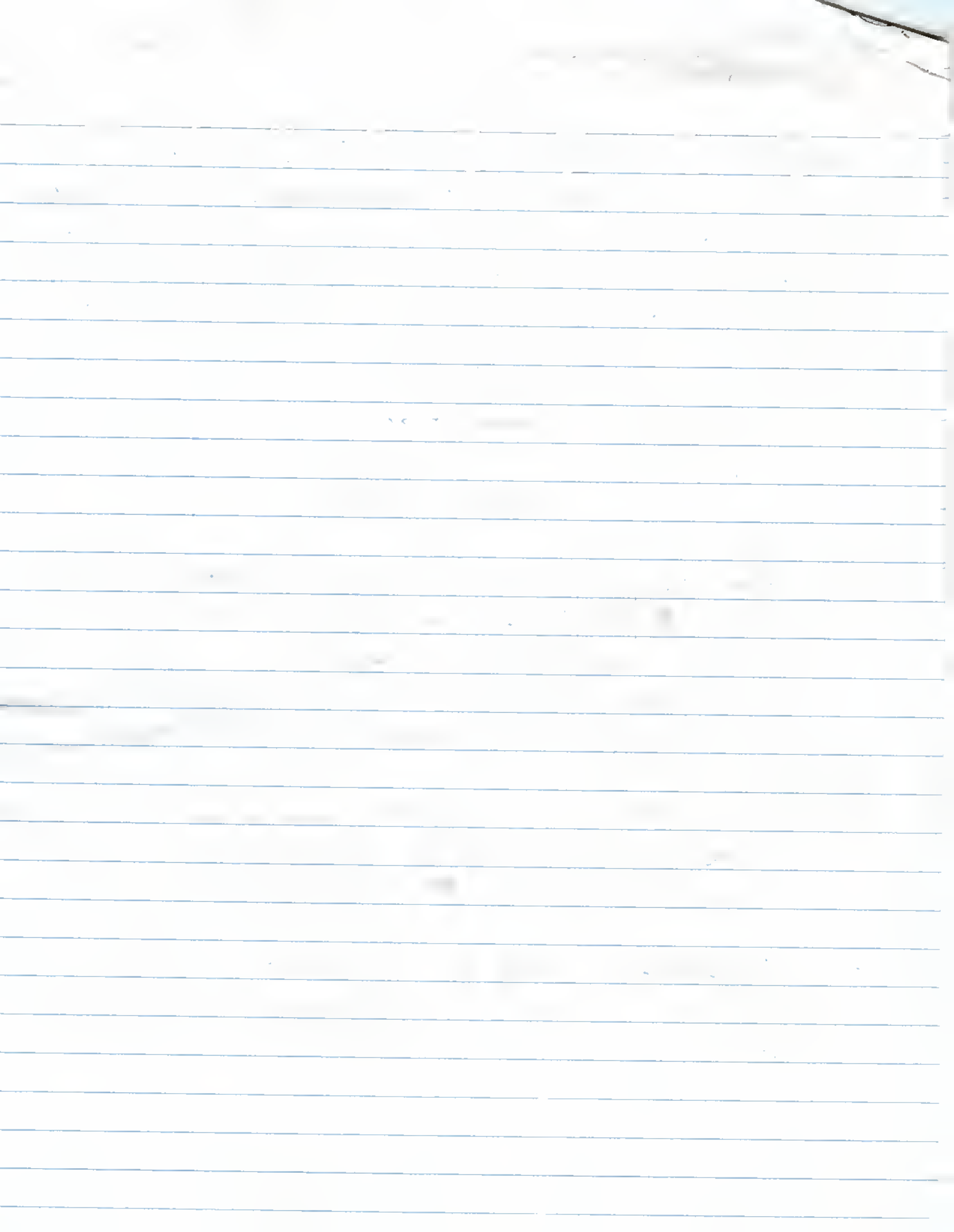
Sincerely,

Ismail Royer

P.S. Another thought: you could (if they don't allow a medic ~~to~~ visit) come on a social visit, then, since all conversations are recorded & saved, file a FOIA request (with my consent form) for a DVD of the conversation. Sounds good in theory.

P.P.S. Were you by any chance the reporter I saw on a CSPAN panel ~~to~~ recently?

P.P.P.S. A.O. Scott is one of my favorite writers. If you run into him, please tell him I said so! (oh wait, you're in D.C....)



7/30/11

Scott -

Thank you for your letter. I'm not surprised they denied your visit request - they appear to have a blanket policy of denying such requests, in not for all inmates, then for inmates they classify as "terrorists." I've had at least a dozen journalists request such visits over the years, and all have been denied - in fact, I've never heard of such a visit being granted in recent years (I think the BOP was criticized for giving a "voice" to inmates and stopped allowing those visits - I don't have the case citation, but a death row inmate at the Terre Haute prison sued over this issue, with the ACLU's help, I believe, and had some success. It was in the Southern District of Indiana, and I think it's Hammer v. Ashcroft.)

So I have enclosed a visiting form. Return it to the address listed on the form, ie. to "D. Foster," not to me; it has to go to my counselor. You may want to

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Send a cover letter from yourself or your boss, just establishing why you want to visit. They have a general restriction on visitors who ~~we~~ did not know the inmate prior to his incarceration, for some reason, but they make exceptions - it's not a hard and fast rule. I hope when they see you are an upstanding citizen, they'll waive that.

I hadn't heard about the personnel changes, but I did see something recently about NYT's ability to stay profitable & thrive in this environment. Actually I think I saw this in an interview on the Colbert show. By the way, is 1627 the National Press Building? I used to have an office there when I worked for a Muslim news web site in '98-'99 or so. I confess to attending news conferences at the NPC upstairs just for the coffee and donuts.

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Well, as to how I spend my time. As you know, ADX is a supermax facility, so for the most part we're locked down in our cells, and this makes the art of doing time different than in a regular facility. In fact, after a year (more, actually) I'm just starting to get the hang of it.

The only time we are allowed out of our cells (except for visits or medical appointments) is to go to recreation 5 days a week for two hours (or usually a little less — which is better than many supermax's, only one hour of rec). Three of those recreation periods are "indoor rec," where they put you in a room about 3 times bigger than your cell, by yourself, of course. The other 2 days is outdoor rec, where they put you in a wire cage about the size of your cell outside, also by yourself, but at those times you can see & talk to other inmates in their own cages, so that's really the only interaction I have with other inmates. I am in the same unit as Richard Reid, Terry Nichols, Eric Rudolph, Ahmad Ressaan (the "millennium bomber"); etc., so it's interesting.

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I generally go to inside rec every time. There are pull-up bars & dip bars so I work out on that & do cardio & calisthenics. I also work out in my cell, doing push-ups & cardio, & I try to walk two hours every day (actually, pace back and forth). So to answer your question a great deal of my time is spent exercising, which is extremely important for mental health in this situation, and of course for physical health, because it is very easy to get in a rut and soon you find yourself ~~being~~ ^{lying} in bed all day.

Another main activity is reading. I have read many, many of the books on my reading list since getting locked up. Oddly, I read less here in ADX than in other places I've been to. First, because I find my attention span has suffered here, which is probably a result of isolation & sensory deprivation. Second, because I have a TV in my cell, which is analogous to the sleeping v. exercise issue I talked about. It is much easier to lay down and watch TV than

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to read. Another reason TV is attractive is because it is an escape from the monotony, the lack of color and sound. So my time here is sort of a struggle to devote myself to exercise and reading over sleeping or lounging around and watching TV. Generally, I keep it in a satisfactory balance, particularly in recent months.

My areas of interest are history, philosophy, and literature, and I read religious books as well. I'm now reading "The Age of Revolution" by Eric Hobsbawm, a history of Europe. I just finished Locke's "Two Treatises"; before that two books on Aristotle, "Jane Eyre," "The Idiot" by Dostoevsky (my favorite writer), "The Age of Secularism" by Charles Taylor (it took me two years - it's long & I've been reading other things beside it). Also I'm ~~also~~^{almost} finished with "The Muqaddimah" by Ibn Khaldun, a brilliant book from the 14th century about the philosophy of history, considered the first of its kind. I also read the Quran (in Arabic). My favorite writers, aside from Dostoevsky, are Tolstoy (I love Russian literature!), Chekhov, Hemingway, Sherwood Anderson, Balzac, Flaubert* as for philosophers, besides Plato & Aristotle, my favorite

* Forget Solzhenitsyn!

⑥

are Augustine, Pascal, & Kierkegaard. As for more recent ones, I'd say Eric Voegelin, as I mentioned before, and Alistair ~~MacIntyre~~ MacIntyre (sr?).

The third thing that occupies my time, in order of magnitude, would be law. I have two main issues going on, the first is a § 2255 (habeas) petition with Judge Brinkema, seeking to take 10 years off my 20 year sentence. I worked on that for about a year at Terre Haute before hiring a lawyer to file it for me, which he did in March 2009, so now we're just waiting for her to rule (she denied my codefendant's, Siff Chapman, in Feb. 2010, and about a month ago denied another codefendant's, Masoud Khan. All three of us filed them at about the same time so I assume she's now working on mine.) So that's not really occupying my time, as the ball's now in the judge's court, but I just mention it.

As a "Plan B," I filed that lawsuit I mentioned to you, which seeks to have the "terrorist" label

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the BOP put on me removed, and to have me put back in general population, where I was until the BOP snatched me out of the blue and put me in this weird nether-region. The main purpose is so I can re-establish my relationship with my family, since due to the restrictions and locations I very rarely have contact with them anymore. I have 4 beautiful children, 8 to 12. They live in Annandale, VA with their mother, who left me, in no small part due to the restrictions I'm now under. My two parents sold their house in St. Louis in 2005 to move to VA to help with the children, and their sacrifice is really heroic. My Dad has kind of filled in for me to some extent. That is a lengthy (and interesting, I think) story. I'm not sure if you'd be interested but if at some point you think it would fit in with what you're working on you may want to meet my family.

So since that lawsuit was transferred to the D.C. federal court (in that opinion I sent you), the BOP filed what's called an "Answer," and then the judge told them to file another motion to Dismiss (essentially

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doing away with the briefing that had taken place in the VA court); they did so, I filed my opposition, they filed their Reply, and now I wait (and wait) for the judge to rule on that. What I really need is a definitive ruling, and then the BOP will likely be amenable to settlement (and my terms are simply: transfer me to the prison in Petersburg, VA, and let me have contact again with my family). What is interesting about my lawsuit is that I am challenging the constitutionality of the BOP's treatment of "terrorist" inmates, so it's a pretty significant case, or potentially so. (Obviously, some such inmates should be under heightened restrictions, but I'm arguing there needs to be due process protections, and that it's unnecessary in my case). So I have filed about 200 pages of briefs and motions since the case began in 2010, with a corresponding amount of time spent doing research in the law library (our only other chance to get out of

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our cells, incidentally): I also have filed another lawsuit in DC court over the terrorism policy, arguing that it violates Federal Administrative law (the Administrative Procedure Act). The govt's motion to dismiss in that is also fully briefed by both sides and I'm awaiting a decision in that as well. I've written over 100 pages of court filings in that case as well. So all of the above occupies a great deal of time, and mental energy.

So in sum I guess the answer to your question is that I occupy my time with exercise, reading, legal work, TV and sleep. And — a lot of thinking. The big thing missing in this that one has in a regular prison (and for that matter, in the real world) is socializing with others. I also miss being outdoors, which even in a regular prison like FCI Allenwood, where I was before, is very refreshing and gratifying, as it was in the mountains in Pennsylvania with very beautiful scenery. Here there are only walls and one can't catch a glimpse of the surroundings.

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You asked me about the facilities I've been in. First I was in the Alexandria jail for about a year, after my arrest to my sentencing, and a little after, then I was in FCI Allenwood in Pennsylvania, a medium-security place, from August 2004 to December 2006. That's when the BOP established the Communications Management Unit ("CMU") at FCI Terre Haute to house "terrorist" inmates, and implemented a policy that no "terrorist" inmates could be in the general population. I was in the first group sent there. The conditions there are in some ways marginally better than here, in that you can come out of your cell and interact with other inmates, but you're still confined in a very small, cramped unit with no "outdoors", and very restricted communication. Thus the psychological pressures of isolation that are a factor in ADX are not present, but at the same time the conditions there actually give rise to a lot of tension.

The thing is that that unit was run as a lock-down unit for years (it used to be death row). When you have 50 people in a small unit, unable to go to a recreation yard or to work or the chapel or the library like the rest of the population, all bumping into each other all day long, small annoyances and irritants assume big proportions. In a regular prison you can avoid people who rub you the wrong way; in the CMU you would pass by them in the hall or see them in the TV room 50 times a day.

which leads me to why I'm in ADX. Because of the "terrorist" label (by the way, I was not convicted of a terrorism offense or given a terrorism sentencing enhancement) and the BOP's policy, ~~which~~ they will not house me in the general population, as they house "terrorists" only in the CMU at Terre Haute or the CMU at Marion (established in 2007), in ADX, or temporarily, in "the hole" (a special Housing Unit - SHU) somewhere, or in the "Special Management Unit" (SMU) gang unit at USP Lewisburg. Now, if an inmate in a regular prison

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gets into trouble significant enough that he needs to be transferred to another prison to separate him from the other inmates involved, they will simply send him to another medium security prison, or whatever his classification. What their practice is with "terrorist" inmates is, however, is to send such inmates to the other CMU or ADX. Ordinarily an inmate has to really mess up to get sent to ADX, e.g. attempt to murder (or succeed in murdering) another inmate or staff member. For inmates in the CMU's, it is very easy to get sent to ADX, since the BOP has limited itself to the facilities that it will house such inmates.

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This is one of those ~~was~~ situations that arises in prison due to tensions and stress, which is not to excuse myself. The warden told me, "You're smart & well read, you should have adopted a Ghandian approach." There are certainly ways I could have handled

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the situation where no beat-down would have occurred. At the same time, had this happened ~~to~~ with "ordinary" inmates in an ordinary prison, I would have gone to the SHU for a few months or been transferred to another regular prison, my codependent would have been transferred, end of story. The incident wasn't that serious and is a dime-a-dozen event in prison.

So what happened is that I was transferred the next day* to FCI Greenville in Illinois and kept in the SHU (under harsher conditions than the other inmates there) on "holdover" for 5 months. I was charged with a ~~disciplinary~~ disciplinary violation of "Assault resulting in a non-serious injury," and sent to ADX. The paperwork for the transfer cited the reasons as (1) my "terrorism" criminal case (which, as I mentioned, it is not) (2) an incident in 2005 at FCI Allenwood where I exceeded my monthly telephone limit by 15 minutes; and (3) the Terre Haute

* That was October 2009

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incident. It may be that they would have transferred me to the Marion CMU, but they transferred my co-defendant there, and of course expect that they had to keep us separate. So I'm in ADX,* and unless they either (1) send me back to Terre Haute, which is unlikely; or (2) open a new CMU somewhere, or (3) change the policy of forbidding "terrorist inmates" from being in the general population of regular prisons, or (4) take that label off of me, I do not see where they can move me, so I will likely stay here, in the same unit as the Unabomber, for a long time.

What I can't quite figure out is why the BOP is treating me as harshly as they are, I don't mean in response to the CMU incident, but in general. They have read all of my mail, listened to all of my phone calls, and even monitored my conversations in the cell blocks with other inmates, and they know very well - maybe better than any other human beings, since they see all facets of me - that I am not even remotely

* I got here March 2010

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extremist or radical. The facts behind my offense, it is true, are sufficient to have given them a reason to pay close attention to me, but at a certain point, can they not figure out who I am? It is a very surreal and frustrating situation.

I have given the "khutba," or sermon at maybe a dozen or more Friday prayers, both at Allenwood and at Terre Haute, stridently condemning terrorism and extremism, which they surely have recordings of. I have gotten into vehement debates, not to mention civil conversations, with other inmates from the day I was arrested until today, about the dangers and evils of extremism and terrorism. I have written letters and articles which have been posted on the Internet on the subject. Somehow the BOP is unable to process any of this into a realistic understanding of who I am.

The funny thing is, I used to have an intense motivation to do battle with extremists and come out swinging against their ideas. I find myself becoming less interested, or maybe sick of thinking about any of this. I really just want to read. I once saw myself parlaying my experiences into a career at a think tank writing about how to undermine extremism. Now I kind of feel that when I get out I just want a cottage on a hill with some sheep and a

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Complete set of Dickens. I can't quite muster the will to care anymore. I just kind of feel now like these people are ~~all~~ just a bunch of morons not worth the effort it would take to improve them. Who are "these people"? I don't know, maybe I mean deluded extremist Muslims, maybe I mean humanity in general. What I really care about is my parents and children. I read now various refutations of various idiots like Zawahiri or Adam Gaden that I wrote, and I cannot locate the zeal it must have taken to put the effort into such things. That is to say, I obviously am still disgusted by such people, but I'm just sort of sick of thinking about these issues. I guess I'm burned out on trying to find "solutions" to things. I'm having a hard enough time solving the problem of not having seen my children in almost three years.

That's all for now!

Sincerely,
Faisal